

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 19 2010 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

IN RE ZYPREXA PRODUCTS LIABILITY  
LITIGATION

04-MD-1596

THIS DOCUMENT RELATES TO:

ALL ACTIONS


**ORDER GRANTING  
EXECUTIVE COMMITTEE  
MEMBER WILLIAM M.  
AUDET'S APPLICATION  
FOR AN ORDER TO SHOW  
CAUSE AND TEMPORARY  
RESTRAINING ORDER.**

This Court, having considered Executive Committee Member William M. Audet's Application and for Good Cause shown, hereby orders as follows:

1. This Court has jurisdiction over the subject matter of this application.
2. The Applicant has established a *prima facie* showing that, absent this court's intervention, this court's proper supervision over MDL Case No. 1596 will be seriously interfered with.
3. Any claim by Attorney Richard Alexander, his agents, his partners, and employees (hereafter, "Mr. Alexander") for Zyprexa common benefit funds is subject to this court's jurisdiction.
4. This application for a final injunction is referred to Special Master Peter Woodin for an expedited hearing and a report on issuance of a final injunction.
5. The following temporary restraining order is entered pursuant to Rule 65(b) of the Federal Rules of Civil Procedure:

- a. Mr. Alexander is stayed from any prosecution of a claim for Zyprexa Common Benefit Funds until further Order of this court. This stay includes discovery.
- b. Irreparable loss will result to the movant, and there will be major interference with this court's administration of the Zyprexa litigation, MDL 1596, before any party can be heard in opposition to issuance of this temporary restraining order. Substantial funds and expenditure of court personnel's time and effort will likely result unnecessarily if the pending state action seeking such funds proceeds before the parties can be heard.
- c. Notice shall be given to Mr. Alexander by email or fax of all papers filed with the court on this matter today, and a copy of this Order shall be served by email or fax before 6:00 p.m. Eastern Standard Time.
- d. This Order expires 14 days after entry. It is signed on August 17, 2010 at 3:00 p.m.
- e. A hearing on the propriety of this Order and the temporary injunction sought will be heard on August 20, 2010, at 10 a.m., in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. The parties may arrange for argument by telephone with Ms. June Lowe, Case Coordinator, at 718-613-2525.
- f. No security is required since no damages will be suffered by any party as a result of this Order.

SO ORDERED.



Jack B. Weinstein  
Senior United States District Judge

Date: August 17, 2010  
Brooklyn, New York